



Response Under 37 C.F.R. § 1.116  
Expedited Procedure  
Examining Group 2871  
PATENT  
ATTORNEY DOCKET NO.: 053785-5001

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: )  
Ku Hyun PARK ) Confirmation No. 1288  
Application No.: 09/771,640 ) Group Art Unit: 2871  
Filed: January 30, 2001 ) Examiner: M. Ton  
For: LIQUID CRYSTAL DISPLAY PANEL )  
IMPLEMENTING BISTABLE LIQUID )  
CRYSTAL AND METHOD OF )  
FABRICATING THE SAME ) **Mail Stop AF**

Commissioner for Patents  
U.S. Patent and Trademark Office  
2011 South Clark Place  
Customer Window, **Mail Stop AF**  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, VA 22202

Sir:

**REQUEST FOR RECONSIDERATION UNDER 37 C.F.R. § 1.116**

In response to the Final Office Action dated October 31, 2003 (Paper No. 11), the period for response which extends through January 31, 2004, Applicant respectfully requests reconsideration and allowance of the application for the following reasons:

In the October 31, 2003 Final Office Action, claims 11-12 and 14-17 stand rejected under 35 U.S.C. § 102(e) as being anticipated by US 6,133,975 to Li et al. In addition, claim 13 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Li et al. Applicant respectfully submits that Li et al. fails to teach or suggest all of the features recited in claim 11.

Claim 11 recites, amongst other features, “the liquid crystal layer has a photopolymerized monomer aligned perpendicular to the first and second substrates.” The Final Office Action refers to the present specification explaining how the polymer network of the present invention serves to maintain the homeotropic alignment or perpendicular alignment to the substrate. (See paragraph 6, lines 5-9 of the Final Office Action). The Final Office Action further explains how Li et al. discloses a bistable liquid crystal material and a polymer stabilizer, wherein the polymer stabilizer comprises a polymerizable monomer and is cured to form a polymer network. (See paragraph 6, lines 10-13 of the Final Office Action). However, there is no explanation in the Final Office Action of how or where Li et al. teaches or suggests homeotropic alignment or perpendicular alignment to first and second substrates. Applicant respectfully asserts that there is no teaching or suggestion of homeotropic alignment or perpendicular alignment to first and second substrates in Li et al..

Apparently, the Final Office Action tries to rely on the present application to assert that a polymer network is or equates to a homeotropic alignment (or perpendicular alignment to first and second substrates). Then, the Final Office Action apparently argues that because Li et al. has a polymer network, Li et al. anticipates the feature of perpendicular alignment to first and second substrates recited in claim 11. Applicant respectfully submits that homeotropic alignment (or perpendicular alignment to first and second substrates) is not a polymer network. As stated in the present application and in the Final Office Action, a polymer network maintains homeotropic alignment (or perpendicular alignment to first and second substrates). The mere presence of polymer network is not indicative of homeotropic alignment. Further, the mere

presence of polymer network is not indicative of perpendicular alignment to first and second substrates, as recited in claim 11.

Applicant also respectfully submits that Li et al. teaches at column 3, lines 37-39 of Li et al. that the liquid crystal material of Li et al. is aligned to have mid-plane tilt. Thus, Li et al. teaches away from a “monomer aligned perpendicular to the first and second substrates,” as recited in claim 11. Accordingly, Applicant respectfully submits that Li et al. fails to teach or suggest each and every feature recited by independent claim 11. Moreover, dependent claims 12-17 are allowable over the applied reference of Li et al. for at least the same reasons as discussed above with regard to independent claim 11, and for the additional features that they recite.

For the above reasons, Applicant respectfully asserts that the rejections under 35 U.S.C. 102(e) and 103(a) should be withdrawn because Li et al. neither teaches nor suggests all of the features recited in amended independent claim 11, and hence dependent claims 12-17.

**Conclusions**

In view of the foregoing, Applicant respectfully requests reconsideration and timely allowance of the pending claims. Should the Examiner believe that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicant's undersigned representative to expedite prosecution.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

By: Donald L. Monin, Jr.  
Donald L. Monin, Jr.  
Reg. No. 47,256

Dated: January 23, 2004

**Customer Number: 009629**

MORGAN, LEWIS & BOCKIUS LLP  
1111 Pennsylvania Avenue, N.W.  
Washington, DC 20004  
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AF/2871

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Arlington, VA 22202

Sir:

**REQUEST FOR RECONSIDERATION UNDER 37 C.F.R. § 1.116**  
**TRANSMITTAL FORM**

1. Transmitted herewith is a Request for Reconsideration under 37 C.F.R. § 1.116 in response to the Final Office Action dated October 31, 2003.
2. Additional papers enclosed:

- Drawings:  Formal  Informal (Correction)
- Information Disclosure Statement
- Form PTO-1449, \_\_\_\_\_ references included
- Citations
- Declaration of Biological Deposit
- Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

Applicants petition for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

Total Months <u>Requested</u>	Fee for <u>Extension</u>	[Fee for Small Entity]
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 420.00	\$ 210.00
<input type="checkbox"/> three months	\$ 950.00	\$ 475.00
<input type="checkbox"/> four months	\$ 1,480.00	\$ 740.00

Extension of time fee due with this request: \$0.00.

If an additional extension of time is required, please consider this a Petition therefor.

An extension for \_\_\_\_\_ months has already been secured and the fee paid therefor of \$\_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

4. Constructive Petition

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

5. Fee Calculation (37 C.F.R. §1.16)

CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims (37 C.F.R. §1.16(c))	7	minus	20	0	x \$18 each=	+ \$0.00
Independent Claims (37 C.F.R. §1.16(b))	1	minus	3	0	x \$86 each=	+ \$0.00
[ ] First presentation of Multiple dependent claim(s)					\$290.00	+ \$0.00
SUB-TOTAL =						\$0.00
Reduction by ½ for filing by a small entity						- \$0.00
TOTAL FEE =						\$0.00

6. Fee Payment

No fee is to be paid at this time.

The Commissioner is hereby authorized to charge the amount of \$\_\_\_\_ for the additional claims fee to Deposit Account No. 50-0310.

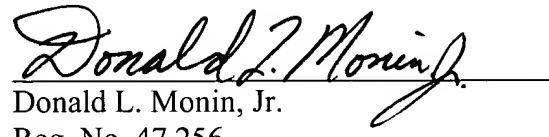
The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

Dated: January 23, 2004

By:



Donald L. Monin, Jr.  
Reg. No. 47,256

**CUSTOMER NO. 09629**

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